

APPEAL NO. 021857
FILED AUGUST 29, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 11, 2002. With respect to the single issue before her, the hearing officer determined that the respondent's (claimant) compensable injury of _____, extends to and includes bilateral cubital tunnel syndrome. The appellant (carrier) contends that this determination is not supported by sufficient evidence or, alternatively, is against the great weight and preponderance of the evidence. In her response, the claimant urges affirmance.

DECISION

Affirmed.

The parties stipulated at the hearing that the claimant sustained a compensable injury in the form of a repetitive motion wrist injury that manifested itself as carpal tunnel syndrome and that the date of injury was _____. The evidence reflects that the claimant was initially diagnosed with carpal tunnel syndrome and underwent a carpal tunnel release. After the release, the claimant continued to experience problems and began treating with Dr. S, who diagnosed cubital tunnel syndrome. At the hearing, Dr. S testified that in his opinion the claimant had carpal and cubital tunnel syndromes and the cubital tunnel syndrome was overlooked initially. Dr. S explained that in the claimant's work as a cosmetologist, her elbows were often in a flexed position, which aggravates a cubital tunnel condition. Dr. S also explained that carpal and cubital tunnel syndromes are related in that they share common symptoms, although they involve different nerves, and that is not atypical for cubital tunnel syndrome to be misdiagnosed or overlooked. Dr. P conducted a records review and testified on behalf of the carrier at the hearing. Dr. P opined that the claimant's carpal tunnel syndrome and cubital tunnel syndrome were not related to each other and that the claimant's cubital tunnel syndrome is not work related.

The hearing officer did not err in determining that the claimant's compensable injury extended to and included cubital tunnel syndrome. That issue presented a question of fact for the hearing officer. Section 410.165(a) provides that the hearing officer is the sole judge of the weight and credibility of the evidence. As noted above, there was conflicting evidence on the issue of whether the claimant's compensable injury extended to and included cubital tunnel syndrome. The hearing officer was acting within her province as the fact finder in crediting the evidence from Dr. S and in determining that the cubital tunnel syndrome was part of the compensable injury. Nothing in our review of the record demonstrates that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **HARTFORD UNDERWRITERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**C. T. CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Thomas A. Knapp
Appeals Judge